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more in diameter of the following genera: *Acer* (maple), *Aesculus* (horse chestnut), *Betula* (birch), *Hibiscus syriacus L.* (Rose of Sharon), *Malus* (apple), *Melia* (chinaberry), *Morus* (mulberry), *Populus* (poplar), *Prunus* (cherry), *Pyrus* (pear), *Robinia* (locust), *Salix* (willow), *Ulmus* (elm), and *Citrus*.

(b) Any other article, product, or means of conveyance not covered by paragraph (a) of this section if an inspector determines that it presents a risk of spreading Asian longhorned beetle and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of this subpart.

[62 FR 10416, Mar. 7, 1997, as amended at 62 FR 60764, Nov. 13, 1997]

§ 301.51-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section, each State or each portion of a State in which the Asian longhorned beetle has been found by an inspector, in which the Administrator has reason to believe that the Asian longhorned beetle is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where Asian longhorned beetle has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than an entire State as a quarantined area will be adequate to prevent the artificial interstate spread of the Asian longhorned beetle.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonquarantined area, or, in the case of

publicly owned land, to the person responsible for the management of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area either will be added to the list of designated quarantined areas in paragraph (c) of this section, or the Administrator will terminate the designation. The owner or person in possession of, or, in the case of publicly owned land, the person responsible for the management of, an area for which the designation is terminated will be given written notice of the termination as soon as practicable.

(c) The following areas are designated as quarantined areas:

Illinois

*Cook County.* That area in the Ravenswood community in the city of Chicago that is bounded as follows: Beginning at the intersection of North Central Avenue and West Bryn Mawr Avenue; then east along West Bryn Mawr Avenue to North Western Avenue; then east along an imaginary line through Rosehill Cemetery to the continuation of West Bryn Mawr Avenue; then east along West Bryn Mawr Avenue to Lakeshore Drive; then east along an imaginary line to the shoreline of Lake Michigan; then south along the shoreline of Lake Michigan to West Diversey Parkway; then west along West Diversey Parkway to West Diversey Avenue; then west along West Diversey Avenue to North Central Avenue; then north along North Central Avenue, along the east edge of the Bohemian National Cemetery and across Northeast Illinois University campus, to the point of beginning.

That area in the Kilbourn Park community in the city of Chicago that is bounded as follows: Beginning at the intersection of West Roscoe Street and North Knox Avenue; then north along North Knox Avenue to West Addison Street; then north along an imaginary line to West Patterson Avenue; then west along West Patterson Avenue to North Lamon Avenue; then south along North Lamon Avenue to West Addison Street; then south along an imaginary line to West Roscoe Street; then east

along West Roscoe Street to the point of beginning.

That area in the city of Park Ridge that is bounded as follows: Beginning at the intersection of Devon Avenue and South Dee Road; then south along South Dee Road until it turns into North East River Road; then south along North East River Road to the Kennedy Expressway; then west along the Kennedy Expressway to the shoreline of the Des Plaines River; then north along the shoreline of the Des Plaines River to Devon Avenue; then east along Devon Avenue to the point of beginning.

*DuPage County.* That area near Addison in DuPage County that is bounded as follows: Beginning at the intersection of Fullerton Avenue and Swift Road; then east along Fullerton Avenue to Lombard Road; then north along Lombard Road to Army Trail; then west along Army Trail to Swift Road; then south along Swift Road to the point of beginning.

*Village of Summit.* That area in the Village of Summit that is bounded as follows: Beginning at the intersection of Archer and 59th Street; then south along Archer to 67th Street; then east along 67th Street to the end; then east along the railroad tracks to Sayre; then north along Sayre to 59th Street; then west along 59th Street to the point of beginning.

#### NEW YORK

*New York City.* That area in the boroughs of Manhattan, Brooklyn, and Queens in the City of New York that is bounded as follows: Beginning at a point where the Brooklyn Battery Tunnel intersects the Manhattan shoreline of the East River; then north along the shoreline of the East River to Whitehall Street; then north along Whitehall Street to Broadway; then north along Broadway to west 58th Street; then west along west 58th Street to the shoreline of the Hudson River; then north along the shoreline of the Hudson River to Martin Luther King, Jr., Boulevard; then east along Martin Luther King, Jr., Boulevard and across the Triborough Bridge to the west shoreline of Randall's and Ward's Island; then east and south along the shoreline of Randall's and Ward's Is-

land to the Triborough Bridge; then east along the Triborough Bridge to the Queens shoreline; then north and east along the Queens shoreline to the western boundary of LaGuardia Airport; then south and east along the LaGuardia Airport boundary to 94th Street; then south along 94th Street to Junction Boulevard; then south along Junction Boulevard to Queens Boulevard; then east along Queens Boulevard to Yellowstone Boulevard; then south along Yellowstone Boulevard to Woodhaven Boulevard; then south along Woodhaven Boulevard to Atlantic Avenue; then west along Atlantic Avenue to the Eastern Parkway Extension; then south and west along the Eastern Parkway Extension and Eastern Parkway to Grand Army Plaza; then west along the south side of Grand Army Plaza to Union Street; then west along Union Street to Van Brunt Street; then south along Van Brunt Street to Hamilton Avenue and the Brooklyn Battery Tunnel; then north along Hamilton Avenue and the Brooklyn Battery Tunnel to the East River; then north along the Brooklyn Battery Tunnel across the East River to the point of beginning.

That area in the borough of Queens in the City of New York that is bounded as follows: Beginning at a point where the Grand Central Parkway intersects the City of New York and Nassau County line; then west along the Grand Central Parkway to 188th Street; then north along 188th Street to the northern boundary of the Kissena Corridor; then west along the northern boundary of the Kissena Corridor, Kissena Park, and Kissena Corridor Park to Van Wyck Expressway; then north along the Van Wyck Expressway to the east shoreline of the Flushing River; then west, north, and east along the Queens shoreline to the City of New York and Nassau County line; then southeast along the City of New York and Nassau County line to the point of beginning.

*Nassau and Suffolk Counties.* That area in the villages of Amityville, West Amityville, North Amityville, Babylon, West Babylon, Copiague, Lindenhurst, Massapequa, Massapequa Park, and East Massapequa; in the towns of Oyster Bay and Babylon; in

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the counties of Nassau and Suffolk that is bounded as follows: Beginning at a point where West Main Street intersects the west shoreline of Carlis Creek; then west along West Main Street to Route 109; then north along Route 109 to Arnold Avenue; then northwest along Arnold Avenue to Albin Avenue; then west along Albin Avenue to East John Street; then west along East John Street to Wellwood Avenue; then north along Wellwood Avenue to the Southern State Parkway; then west along the Southern State Parkway to Broadway; then south along Broadway to Hicksville Road; then south along Hicksville Road to Division Avenue; then south along Division Avenue to South Oyster Bay; then east along the shoreline of South Oyster Bay to Carlis Creek; then along the west shoreline of Carlis Creek to the point of beginning.

That area in the villages of Bayshore, East Islip, Islip, and Islip Terrace in the Town of Islip, in the County of Suffolk, that is bounded as follows: Beginning at a point where Route 27A intersects Brentwood Road; then east along Route 27A to the Southern State Parkway Heckscher Spur; then north and west along the Southern State Parkway Heckscher Spur to Carleton Avenue; then north along Carleton Avenue to the southern boundary of the New York Institute of Technology; then west along the southern boundary of the New York Institute of Technology through its intersection with Wilson Boulevard to Pear Street; then west along Pear Street through its intersection with Freeman Avenue to Riddle Street; then west along Riddle Street to Broadway; then south along Broadway to the Southern State Parkway Heckscher Spur; then west along the Southern State Parkway Heckscher Spur to Brentwood Road; then south along Brentwood Road to the point of beginning.

[62 FR 10416, Mar. 7, 1997, as amended at 63 FR 63387, Nov. 13, 1998; 64 FR 28715, May 27, 1999; 65 FR 4866, Feb. 2, 2000; 65 FR 54944, Sept. 12, 2000]

**§ 301.51-4 Conditions governing the interstate movement of regulated articles from quarantined areas.**

(a) Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§ 301.51-5 and 301.51-8;

(2) Without a certificate or limited permit if:

(i) The regulated article is moved by the United States Department of Agriculture for experimental or scientific purposes; or

(ii) The regulated article originates outside the quarantined area and is moved interstate through the quarantined area under the following conditions:

(A) The points of origin and destination are indicated on a waybill accompanying the regulated article; and

(B) The regulated article is moved through the quarantined area without stopping, or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by Asian longhorned beetle; and

(C) The article has not been combined or commingled with other articles so as to lose its individual identity.

(b) When an inspector has probable cause to believe a person or means of conveyance is moving a regulated article interstate, the inspector is authorized to stop the person or means of conveyance to determine whether a regulated article is present and to inspect the regulated article. Articles found to be infected by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial measures, destroyed, or otherwise disposed of.

**§ 301.51-5 Issuance and cancellation of certificates and limited permits.**

(a) An inspector<sup>1</sup> or person operating under a compliance agreement will

<sup>1</sup> Inspectors are assigned to local offices of APHIS, which are listed in local telephone directories. Information concerning such